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MAY 10 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Charles L. Furlong
P.O. Box 289
Stockdale, Pa. 15483

Federal Communications Commission
Washington, DC 20554

To the F.C.C.,

93-85

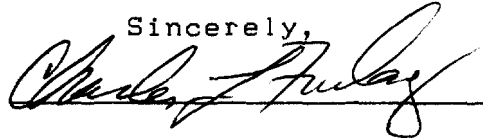
Enclosed, please find ten (10) letters, and copies of a personally written article, referring to a piece of law that you are about to act on.

I believe that there are enough copies here for each of the commissioners.

I hope that even though my point(s) may not be taken, they are at least given some thought.

Thank you very much.

Sincerely,



Charles L. Furlong
KA3FLU

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Charles L. Furlong
P.O. Box 289
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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

NPRM PR Docket 93-85

To establish a compliance policy for amateur stations participating in automatic message-forwarding systems, to hold the licensee of the station originating a message and the licensee of the first forwarding station primarily accountable for violative communications.

To the F.C.C.,

I'm writing to ask that you re-think this piece of law, for the reason(s) enclosed within.

First of all, my experience(s), which I feel allow me to come forward are that I have been involved in various forms of radio at some point in time. I've been in the Amateur Radio field, for about 11 years, and presently hold an Amateur Extra license. Also, I am designated as an Official Observer, by and through the A.R.R.L. and the F.C.C. Field Operations Bureau, and am also the control operator, of a 2 meter Amateur Radio Repeater station, which bears my call sign (KA3FLU).

I feel that as a person, who does try to abide by the letter of the law, I, as a "control operator", should not be held accountable for the actions and/or blatant disregard of the Rules and Regulations set forth for all to follow.

Although, I agree that the violative traffic must not be transmitted, I feel very strongly that the initiating station, should be held solely responsible, as they are supposed to be fairly well versed in what the R&R's spell out, as I am.

I've included a copy of an article, which I recently submitted to a local club newsletter, which relates a little more on just how I feel, towards this rule.

I feel that "Packet" is essentially the same as voice, as far as the re-transmitting of messages.

I do not believe that the "Sysop", should be held accountable, for unwittingly re-transmitting something, which the originating station, should never have put to the airwaves, in the first place.

Ignorance is no excuse. I must know what the basics of the R&R's say, so to must everyone else. I'm quite sure they weren't put into effect for just myself and a few others.

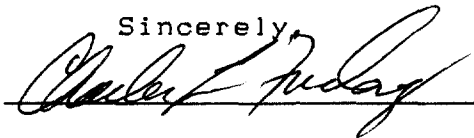
Whether a Sysop or Control Op, I would be the first station to re-transmit a piece of traffic, illegal or otherwise, if someone is going through my system.

Why should I be forced to pay for a violation which I did not personally commit, or have any intentions of enforcing the act thereof.

I think it would be a great disservice, to see a Sysop, or Control Op, to be forced to shut down, whether in anger due to being fined for an act he/she didn't intend to commit, or had no knowledge of, or because he/she can't keep the system up, due to the fines he/she would be made to pay out, just for the sake of someone who could care less, and obviously doesn't take this great hobby as seriously as most of us.

I would hope that you would re-think this before taking any final action.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles L. Furlong", written over a horizontal line.

Charles L. Furlong
KA3FLU

enc: original letter and nine copies
original article and nine copies

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.....
Observations by Lou Furlong, KA3FLU

April 15, 1993

Recently, while I was tuning around in the wonderful world of Packet, I happened upon an item, which kind of caught my attention.

It was a complaint directed towards a Sysop, relating to a packet which was "relayed" through his system, apparently, without his knowledge.

Before I go on, this isn't the first time I've seen or heard of this being done, which is what prompted this message.

I was personally contacted, as an OO, for advice on the first incident.

The packet (not the complaint), originated in 8 land, and it had to deal with the sale of Ham Equipment. So, you ask, "What's your problem?, that's legal!"

Well, your right; it is, but in this instance, the operator was including the whole "shack".

You see, he wasn't just trying to sell out his radio related gear, he was selling out, period. Yes, lock, stock and barrel, with the house included.

Now, the authors of Part 97, don't mind if us fellas' swap a little here and there or make a couple of bucks here and there, if it pertains to our hobby (radio's, scanners, computers, etc.), but no where, at least in my copies of Part 97, does it say that we are permitted to advertise "Real Estate".

See F.C.C. Part 97, Prohibited Transmissions;
Rule number 97.113 a (2).

While it may have been the sysops duty to kill such a message, we can not or should not hold him or them solely responsible. If anyone would care to read the bible of Ham Radio, they would see, that "Thou shalt not sell, such items not intended for ham radio."

Are some operators that ignorant? We should have enough in us, to police ourselves. It is this authors' belief, that each party, ~~ought to be held accountable for his own actions~~

Part 97.

Naw, this goes partially along with what I've griped about in this article, but I still think that "only" the originating station should be held accountable.

The F.C.C. is going to accept view points from those interested ENOUGH to respond, and then render a decision about August 1993.

I for one, am going to write to them, and I may even submit a copy of my article. If, you aren't willing to pay up for someone else's blatant disregard for the Rules and Regulations, that were made for "all" of us to abide by, then I suggest that you consider writing also, especially if you are a Sysop, or a Control Op.

My own opinion is as follows:

When I first got into Amateur Radio, the idea of selling or advertising over the airwaves, was taboo.

Then I find that this is being permitted to some extent. I did not, nor would not believe that this was the case until I seen it with my own eyes in the newest Part 97.

I didn't like that at all, because I could sense what it would, and has lead to. But, I'm just one.

I disliked the idea so much so, that the couple of times that I ventured to do anything along those lines, within the Rules and Regulations, I might add, I still felt guilty. Anytime you ease up the impact of any laws, you make way for a flood of problems, which will never be cured overnight. The flood is coming.

Lets get out the proverbial sand bags and whatever else, and block this off.

A lot of good Amateurs are fighting sometimes tooth and nail, the bureaucracy, to get us more spectrum and rights to operate.

Let's not blow it for ourselves, by allowing this to continue.

We can all get our satisfaction out of the hobby, without the need to have disrespect for the Law, or each other.

It would be ashamed to have an otherwise fine "Sysop" or "Control Op", be fined for trying to do a service, because of someone who didn't care to worry about the impact of their own disrespect for the law.

It would be ashamed, if someday, the BBS or Repeater system that we all have grown to use, and enjoy, were to be shut down, due to someone's lack of respect for the law and their fellow ham.

I often times hear a lot of Hams putting down CB, because of all the trash and so on, wake up folks, we're not far behind.

Until next time,

73, from

Lou, KA3FLU (Official Observer)